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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,995	09/08/2003	Sung Yong Park	CU-3349 WWP	2275

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EXAMINER

PATEL, MITAL B

ART UNIT PAPER NUMBER

3743

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/657,995

Applicant(s)

PARK, SUNG YONG

Examiner

Mital B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al (US 5,941,244).
4. **As to claim 1**, Yamazaki et al teaches a face mask **1** which comprises a pad **2** covering a wearer's nose and mouth (**See Fig. 3**), and a pair of loops **4** attached to both sides of the pad so as to hang them on both ears (**See Col. 2, lines 63-65**), respectively, the pad being composed of an inner layer **5**, an outer layer **7** combined with the inner layer **5** and a health-promoting resin **6** (**See Col. 3, lines 24-34; please note on page 1, lines 16-19 of the specification, Applicant states that the health-promoting resin allows the face-mask to exhibit effects including deodorant properties which is taught by Yamazaki**) formed in a predetermined size and interposed between the inner and outer layers (**See Figs. 2-3**).

5. **As to claim 2**, Yamazaki et al teaches a face mask 1 comprising a health-promoting resin 6 wherein the inner layer 5 has a through hole 5a formed at a predetermined portion of the inner layer 5, and the through hole 5a has a size sufficient to come into contact with wearer's nose and mouth (See Fig. 3; please note the through hole of Yamazaki is of sufficient size to come into contact with the wearer's nose and mouth as much as Applicant's through hole is depicted to come into contact with the wearer's nose and mouth in Fig. 4, furthermore, the through hole of Yamazaki does come into contact with the nose and mouth be it directly or indirectly).
6. **As to claim 3**, Yamazaki et al teaches a face mask 1 comprising a health-promoting resin 6, wherein the inner layer of the pad is covered with a net 3 (See Col. 3, lines 39-48; See also Fig. 4, which shows element 3 to have numerous holes; therefore, along with the materials listed in Col. 3, lines 39-48 from which element 3 is made of along with element 3 having vent holes, the Examiner construes element 3 to be a net).
7. **As to claim 6**, Yamazaki et al teaches a face mask 1 comprising a health-promoting resin 6, wherein the health-promoting resin is a resin made of hard charcoal (See Col. 3, line 29 which teaches activated charcoal; please note the Examiner considers activated charcoal as taught by Yamazaki et al to be equivalent to the hard charcoal taught by Applicant since activated charcoal is well known to absorb odors therefore exhibiting deodorant properties, which Applicant on page 9, lines 16-17 of the specification discloses as a property of hard charcoal).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (US 5,941,244) in view of Choi et al (WO 00/40104).

11. **As to claim 4**, Yamazaki et al teaches essentially all of the limitations except for wherein the health-promoting resin is a resin made of loess. However, Choi et al does teach the use of loess as a health-promoting resin which serves as an anti-toxin and serves to adsorb harmful and poisonous chemicals (**See page 2 of the Choi et al reference**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use loess as a health-promoting resin as taught by Choi et al in the face mask of Yamazaki et al so that harmful and poisonous chemicals may be adsorbed by the loess. It should also be noted that Yamazaki et al teaches that depending on the specific function other components may be impregnated in the

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element 6 (**See Col. 4, lines 52-58**), therefore, providing additional motivation to use loess as a health-promoting resin based on its specific function to serve as an anti-toxin and to adsorb harmful chemicals.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (US 5,941,244) in view of Klein (4,643,182).

13. **As to claim 5**, Yamazaki et al teaches essentially all of the limitations except for wherein the health-promoting resin is a resin made of anion-emitting materials. However, Klein does teach the use of anion-emitting materials as a health-promoting resin which serve to remove microorganisms of an injurious character from the air (**See Col. 6, lines 39-44 of the Klein reference**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use anion-emitting materials as a health-promoting resin as taught by Klein in the face mask of Yamazaki et al so microorganisms of an injurious character are removed from the air. It should also be noted that Yamazaki et al teaches that depending on the specific function other components may be impregnated in the element 6 (**See Col. 4, lines 52-58**), therefore, providing additional motivation to use anion-emitting materials as a health-promoting resin based on its specific function to remove microorganisms of an injurious nature from the air.

### **Conclusion**

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6584976, US 6543450, US 6460539, US 6070578, US

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5706804, US 5078132, US 4850347, US 4790307, US 4641645, US 4628927, US 4619948, US 4503851, US 4454881, US 2284949, US 1925764, US 1359078, US 1292096, and WO 88/03036.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mital B. Patel whose telephone number is 703-306-5444. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mital B. Patel  
Examiner  
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